

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

RESOLUTION NO. R9-2005-0272

A RESOLUTION APPROVING 401 WATER QUALITY CERTIFICATION
FOR THE SAN MARCOS HIGHLANDS PROJECT

WHEREAS, Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. No license or permit may be issued by a federal agency until certification required by Section has been granted.

WHEREAS, on December 23, 2002, KB Home submitted an application for Section 401 Water Quality Certification for the San Marcos Highlands Project.

WHEREAS, the project will not have a significant adverse impact upon water quality standards if the project is constructed and implemented as proposed, and if all technical conditions required by the Section 401 Water Quality Certification are followed.

WHEREAS, this action issuing Section 401 Water Quality Certification does not permit an illegal discharge, and does not preclude the need for permits which may be required by other local or government agencies, and does not preclude the Regional Board from administering enforcement remedies in cases of threatened pollution or nuisance.

WHEREAS, KB Home must comply with the requirements of the State Water Resources Control Board Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity, and the San Diego County Municipal Storm Water Permit (NPDES No. CAS0108758).

WHEREAS, the Regional board held a public hearing on November 9, 2005 in San Diego and considered all evidence and public comments concerning this matter.

WHEREAS, The City of San Marcos has certified a final environmental impact report for the project in accordance with the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), and the project as approved by the City of San Marcos will not have a significant effect on water quality.

THEREFORE BE IT RESOLVED, that pursuant to Section 401 of the Federal Clean Water Act, the Regional Board hereby issues Section 401 Water Quality Certification, with technical conditions, for the San Marcos Highlands Project.

I John H. Robertus, Executive Officer, do hereby certify the foregoing is full, true, and correct copy of Resolution R9-2005-0272 adopted by the California Regional Water Quality Control Board, San Diego Region, on November 9, 2005.

JOHN H. ROBERTUS
Executive Officer